

Inventors: Watkins and Huse  
Serial No.: 09/203,768  
Filed: December 2, 1998  
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A1  
D2  
6. (Thrice amended) A human monoclonal antibody or functional fragment thereof, comprising a heavy chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and a light chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody or functional fragment thereof binds a neoplastic cell or antigen thereof.

REMARKS

Claims 1-6, 47 and 48 are pending in the above-identified application. By the present communication claims 1 and 6 have been amended. Support for the amendments can be found in the specification including, for example, on page 8, lines 1-14; page 16, lines 10-21 and page 22, line 22, through page 23, line 7. Accordingly, the amendments do not introduce new matter. Therefore, entry of the amendments is respectfully requested. A marked-up copy of the amended claims is attached hereto as Appendix A.

Rejections under 35 U.S.C. § 112, first paragraph

Applicants respectfully traverse the rejection of claims 1-6, 47 and 48, under 35 U.S.C. § 112, first paragraph, allegedly because the specification is not enabling for a VH or VL alone or a single CDR from SEQ ID NO:2 or 4. Applicants maintain, for the reasons of record, that the full scope of the

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claimed invention is enabled because functional fragments of antibodies, such as single CDRs and VH domains, were known in the art and the specification provides guidance commensurate with that which was known in the art to allow one skilled in the art to make and use the claimed functional fragments. Nevertheless, in order to further prosecution of this application, claims 1 and 6 have been amended. The claims as amended, are directed to a human monoclonal antibody, or fragment thereof, that contains all six of the CDR sequences contained in SEQ ID NO:2 and SEQ ID NO:4. Therefore, the rejection has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

**Rejections under 35 U.S.C. § 112, second paragraph**

Applicants respectfully traverse the rejection of claims 1-6, 47 and 48, under 35 U.S.C. § 112, second paragraph, as allegedly indefinite for reciting the term "substantially." Applicants maintain, for the reasons of record, that the claims are sufficiently clear in view of the teaching and guidance provided in the specification. Nevertheless, in order to further prosecution of this application, claims 1 and 6 have been amended. The claims, as amended, no longer recite the term "substantially." Therefore, the rejection has been rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

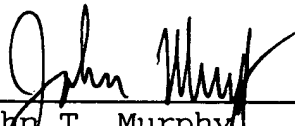
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CONCLUSION

In light of the amendments and remarks herein,  
Applicants submit that the claims are now in condition for  
allowance and respectfully request a notice to this effect.  
Should the Examiner have any questions, he is invited to call the  
undersigned agent or Cathryn Campbell.

Respectfully submitted,

April 5, 2002  
Date

  
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APPENDIX A

A marked-up version of claims showing amendments follows.

1. (Thrice amended) A human monoclonal antibody or functional fragment thereof, comprising [at least one Complementarity Determining Region (CDR) having substantially] the amino acid sequence of [a CDR of] SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody or functional fragment thereof binds a neoplastic cell or antigen thereof.

6. (Thrice amended) A human monoclonal antibody or functional fragment thereof [A CDR or functional fragment thereof], comprising a heavy chain variable region having the three CDR sequences of [substantially] the amino acid sequence [of a CDR] of SEQ ID NO:2, or having a conservative substitution of an amino acid thereof, and a light chain variable region having the three CDR sequences of the amino acid sequence of SEQ ID NO:4, or having a conservative substitution of an amino acid thereof, wherein said antibody [CDR] or functional fragment thereof binds a neoplastic cell or antigen thereof.